

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JOSEPH L. SHACK,)
)
Plaintiff,)
)
v.) **Case No. 4:12-cv-00602-RDP-TMP**
)
SGT. JOHN MASON, et. al.,)
)
Defendants.)

ORDER

The Magistrate Judge filed a Report and Recommendation on January 21, 2014, recommending that Defendants' motion for summary judgment be granted as to Plaintiff's claims against Warden Carter Davenport and Dr. Talley, and that those claims be dismissed with prejudice. (Doc. 41).

The Magistrate Judge further recommended that Defendants' motion for summary judgment be denied as to the excessive force claims against Defendant Mason.

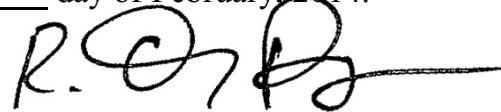
The parties were allowed eleven (11) days in which to file written objections to the Magistrate Judge's recommendations. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the Magistrate Judge's Report is due to be and is hereby **ADOPTED** and the Magistrate Judge's recommendation is **ACCEPTED**. Defendants' motion for summary judgment is therefore due to be and the same is hereby **GRANTED IN PART** and **DENIED IN PART**.

Defendants' motion for summary judgment is **GRANTED** as to Plaintiff's claims against Warden Carter Davenport and Dr. Talley. Accordingly, these claims are **DISMISSED WITH PREJUDICE.**

The motion is **DENIED** as to Plaintiff's Eighth Amendment excessive force claims against Mason. Defendant Mason is hereby **ORDERED** to file an answer **within twenty (20) days** of the entry date of this order.

DONE and **ORDERED** this 18th day of February, 2014.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE